1

2   UNITED STATES DISTRICT COURT

3   Northern District of California

4   San Francisco Division

5   MANHATTAN LIFE INS. CO.,   No. C 13-0822 LB

6   Plaintiff,   **NOTICE REGARDING LEGAL HELP
                                                 DESK, AND LEGAL STANDARDS
7   v.   FOR SUMMARY JUDGMENT
                                                 MOTIONS**
     DANIEL GARCIA, ET AL.,
8
                          Defendant.
9   _____/

10   **I. NOTICE TO**

11   Because you are representing yourself in this case, the Court issues this notice to you about legal

12   resources available to you and the legal standard that applies to summary judgment motions.

13   **II. RESOURCES AVAILABLE TO YOU**

14   You may wish to seek assistance from the Legal Help Center, a free service of the Volunteer

15   Legal Services Program, by calling 415-782-9000, extension 8657, or by signing up for an

16   appointment on the15th Floor of the Federal Courthouse in San Francisco, 450 Golden Gate Avenue,

17   San Francisco, California. At the Legal Help Center, you will be able to speak with an attorney who

18   may be able to provide basic legal help but not representation.

19   **III. SUMMARY JUDGMENT**

20   The following is a notice that this Court gives to litigants representing themselves when the other

21   files a motion for summary judgment. Because your case has just been filed, no motion has been

22   filed yet, but this notice will explain to you the process if a motion is filed.

23   If the other party in this case files a motion for summary judgment, that motion -- if granted --

24   will result in the dismissal of your case. Federal Rule of Civil Procedure 56 tells you what you must

25   do in order to oppose a motion for summary judgment. Generally, summary judgment must be

26   granted when there is no genuine issue of material fact. What that means is that if there is no real

27   dispute about any fact that would affect the result of your case, the party who asked for summary

28   judgment is entitled to judgment as a matter of law, which ends your case. When a party you are

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1 suing makes a motion for summary judgment that is properly supported by declarations (or other

2 sworn testimony),[1] you cannot just rely on what your complaint says. Instead, you must set out

3 specific facts in declarations, depositions, answers to interrogatories, or authenticated documents, as

4 provided in Rule 56(e), that contradict the facts in Defendant's declarations and documents and show

5 that there is a genuine issue of material fact for trial. If you do not submit your own evidence in

6 opposition, the Court might -- if it is appropriate -- enter summary judgment against you and in favor

7 of the other party.

8   If the Court grants summary judgment in favor of the other party, your case will be dismissed,

9 and there will be no trial. *See Rand v. Rowland*, 154 F.3d 952, 963 (9th Cir. 1998) (en banc). You

10 should read Federal Rule of Civil Procedure 56 and *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986)

11 (which discusses how the party who opposes summary judgment must come forward with evidence

12 showing triable issues of material fact on every essential element of his claim). If you do not file

13 your opposition, the Court still will consider whether summary judgment is appropriate under Rule

14 56, but your failure may be construed as consent by you to this Court's granting the other party's

15 motion for summary judgment. That in turn will result in the dismissal of your case before trial. *See*

16 *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (*per curiam*); *Brydges v. Lewis*, 18 F.3d 651,

17 653 (9th Cir. 1994).

18

19 Dated: May 29, 2013   _____

20   LAUREL BEELER
                                          United States Magistrate Judge

21

22

23

24 _____

25   [1] A declaration is a statement of facts. The person making the declaration must know those
    facts personally, and they must be facts that can be admitted into evidence. That means that they
26 must be facts as opposed to conclusions, argument, opinion, or hearsay. A declaration must be made
    under penalty of perjury, which means that the person making the declaration must sign it and date
27 the declaration after the following statement: "I declare under penalty of perjury that the foregoing
    is true and correct. Dated _____. Signed _____." ”
28

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